United Nations A/51/PV.54

General Assembly
Fifty-first Session

Official Records

54th plenary meeting
Wednesday, 6 November 1996, 10 a.m.
New York

President: Mr. Razali Ismail . . . . . (Malaysia)

The meeting was called to order at 10.10 a.m.

Agenda item 15 (*continued*)

Elections to fill vacancies in principal organs

(c) Election of five members of the International Court of Justice

Memorandum by the Secretary-General (A/51/333)

List of candidates (A/51/334/Rev.1 and Corr.1)

Curricula vitae (A/51/335 and Corr.1)

The President: This morning, the General Assembly will proceed to the election of five members of the International Court of Justice for a nine-year term commencing on 6 February 1997. The terms of office of the following judges expire the previous day: Mr. Mohammed Bedjaoui, Mr. Stephen M. Schwebel, Mr. Mohamed Shahabuddeen, Mr. Vladlen S. Vereshchetin and Mr. Luigi Ferrari Bravo.

In connection with the election, I should like to bring the following matters to the attention of the members of the General Assembly.

First, in accordance with General Assembly resolution 264 (III) of 8 October 1948, a State which is a party to the Statute of the International Court of Justice but not a Member of the United Nations shall participate in the General Assembly in electing the members of the Court in the same manner as the States Members of the United Nations. Therefore, on this occasion, the representatives of Nauru and Switzerland may participate in the election.

Secondly, I should like to confirm that, at this time, the Security Council, independently of the General Assembly, is also proceeding to elect five members of the Court. This procedure is in accordance with Article 8 of the Statute of the Court, which provides that

> "The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court."

Accordingly, the results of the voting in the General Assembly will not be communicated to the Security Council until five candidates have obtained the required majority in the Assembly.

Finally, I should like to draw the attention of the Assembly to the documents relating to the election. The list of candidates which have been nominated by national groups is to be found in document A/51/334/Rev.1 and Corr.1. The curricula vitae of the candidates are to be found in document A/51/335 and Corr.1. The Assembly also has before it document A/51/333, containing a memorandum by the Secretary-General on the present composition of the Court and the procedure to be followed in the Assembly and the Security Council with regard to the election.

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This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one month of the date of the meeting*, to the Chief of the Verbatim Reporting Service, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

In accordance with article 10, paragraph 1, of the Statute of the Court, those candidates who obtain an absolute majority of votes both in the Assembly and in the Security Council shall be considered as elected.

The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors whether or not they vote or are allowed to vote. The electors in the General Assembly are all 185 Member States, plus the two non-Member States which are parties to the Statute of the Court, namely Nauru and Switzerland, for a total of 187 electors. Accordingly, for the present election, 94 votes constitute an absolute majority in the General Assembly.

The General Assembly will now proceed to a secret ballot. If in the first ballot fewer than five candidates obtain an absolute majority, it will be necessary to proceed to further ballots until five candidates have obtained that majority. Pursuant to the decision taken by the General Assembly at its 915th meeting, held on 16 November 1960, these ballots shall be unrestricted.

I should like to remind representatives that, pursuant to rule 88 of the Assembly's rules of procedure,

> "After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting."

Therefore, any announcements, such as those concerning withdrawals of candidatures, should be made prior to the commencement of the voting process, that is to say, before the distribution of ballot papers.

May I take it that the Assembly agrees to the procedures I have just outlined?

It was so decided.

The President: Ballot papers will now be distributed. The voting process has now begun.

Representatives are requested to use only the ballot papers now being distributed. Only those candidates whose names appear on the ballot papers are eligible. Representatives will indicate the five candidates for whom they wish to vote by placing crosses to the left of their names on the ballot papers. Ballot papers on which more than five names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Ms. Kraulytė (Lithuania), Mr. Augusto (Mozambique), Ms. Lind (Norway), Ms. Peña (Peru) and Ms. Santipitaks (Thailand) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 10.30 a.m. and resumed at 12.40 p.m.

The President: The result of the voting is as follows:

Number of ballot papers:	183
Number of invalid ballots:	0
Number of valid ballots:	183
Abstentions:	0
Number of members voting:	183
Required absolute majority:	94
Number of votes obtained:	
Mr. Mohammed Bedjaoui (Algeria)	149
Mr. Vladlen S. Vereshchetin (Russian Federation)	123
Mr. Pieter H. Kooijmans (Netherlands)	111
Mr. Stephen M. Schwebel (United States of America)	110
Mr. José Francisco Rezek (Brazil)	97
Mr. José Antonio Pastor Ridruejo (Spain)	83
Mr. Mehmet Güney (Turkey)	70
Mr. Patrick Robinson (Jamaica)	69
Mr. Mohamed Shahabuddeen (Guyana)	55
Mr. Francisco Orrego Vicuña (Chile)	26
Mr. Murat K. Azimov (Uzbekistan)	12

The following five candidates have obtained an absolute majority in the General Assembly: Mr. Mohammed Bedjaoui, Mr. Pieter H. Kooijmans, Mr. José Francisco Rezek, Mr. Stephen M. Schwebel and Mr. Vladlen S. Vereshchetin.

I have communicated the result of the voting to the President of the Security Council.

I have received from the President of the Security Council the following letter:

> "I have the honour to inform you that at the 3709th meeting of the Security Council, held on 6 November 1996, for the purpose of electing five

members of the International Court of Justice for a term of office beginning on 6 February 1997, Mr. Mohammed Bedjaoui, Mr. Pieter H. Kooijmans, Mr. Francisco Rezek, Mr. Stephen M. Schwebel and Mr. Vladlen S. Vereshchetin obtained an absolute majority of votes."

As a result of the independent voting in the Security Council and in the General Assembly, the following five candidates have obtained an absolute majority in both organs: Mr. Mohammed Bedjaoui, Mr. Pieter H. Kooijmans, Mr. José Francisco Rezek, Mr. Stephen M. Schwebel and Mr. Vladlen S. Vereshchetin. They are, therefore, duly elected members of the International Court of Justice to serve for a nine-year term commencing on 6 February 1997. I take this opportunity to extend to them the Assembly's congratulations on their election and to thank the tellers for their assistance.

We have thus concluded our consideration of sub-item (c) of agenda item 15.

The meeting rose at 12.50 p.m.